

PROACT FACT SHEET



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Affirmative Procurement

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What is Affirmative Procurement (AP)?

Affirmative procurement is a program established by the US government to increase purchases of environmentally preferable products by Federal agencies. Also known as "green purchasing," AP focuses on purchasing products manufactured from recovered/recycled materials. AP concepts have also expanded to include products that are energy and resource efficient, as well as bio-based. In addition, water conservation and low-VOC are also elements of green purchasing. There are other types of green purchasing, which will be added to the AF program as they become defined by a DoD working group.

Purpose of AP

One of the purposes of the AP program is to utilize the vast purchasing power in the federal government to develop and sustain markets for products made from materials that might otherwise be landfilled. Buying recycled-content products strengthens recycling programs, and creates a greater demand for recycled products; thereby, stimulating technology to create higher quality recycled-content products.

Benefits:

- Close the recycling loop
- Create new markets and jobs
- Provide a proactive approach to waste management issues
- Set an example for the private sector
- Increase opportunities for recycling and waste prevention
- Decrease reliance on natural resources by reducing the amount of materials used in the manufacturing of products
- Reduce environmental impacts of mining, harvesting, and other extraction processes
- Significantly lower energy and material input costs
- Conserve non-renewable resources
- Divert large amounts of materials from valuable landfill space

Definitions:

Biobased product: a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.

Environmentally preferable: products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product or service.

Postconsumer content: the amount of material in the product that was used by a consumer and then recycled. Examples of postconsumer material are recycled newspapers, beverage containers, and used motor oil. It does not include by-products from manufacturing processes.

Recovered materials: waste materials and by-products that have been recovered or diverted from solid waste, but does not include those materials and by-products generated from, and commonly reused within, an original manufacturing process.

Recycling: the series of activities, including collection, separation, and processing, by which products or other materials are recovered from the solid waste stream for use in the form of raw materials in the manufacture of new products other than fuel for producing heat or power by combustion.

Total recovered material content: the total amount of material in the product that was recycled, or diverted from being disposed as waste – regardless of its source.

Waste prevention: any change in the design, manufacturing, purchase, or use of materials or products (including packaging) to reduce their amount or toxicity before they are discarded. Waste prevention also refers to the reuse of products or materials.

Waste reduction: preventing or decreasing the amount of waste being generated through waste prevention, recycling, or purchasing recycled and environmentally preferable products.

Why AP?

Federal Acquisition Regulations (FARs) require that government policy on the use of recovered materials consider cost, availability of competition, and performance. The objective is to acquire competitively, in a cost-effective manner, products that meet reasonable performance requirements and that are composed of the highest percentage of recovered materials practicable. FAR Subparts 23.2 and 23.7 also require the purchase of products that are ENERGY STAR® labeled or products that are designated to be in the upper 25% of energy

efficiency in their class. FAR 23.4 mandates the procurement of recycled content products designated by the Environmental Protection Agency in the Comprehensive Procurement Guideline (CPG) items document.

Executive Order 13101, "Greening the Government through Waste Prevention, Recycling, and Federal Acquisition," September 14, 1998, encourages federal facilities to institute AP programs and mandates the procurement of Recycled Content products designated by the Environmental Protection Agency, called Comprehensive Procurement Guideline (CPG) items. See <http://www.epa.gov/cpg>

Executive Order 13123, "Greening the Government through Efficient Energy Management," June 3, 1999, encourages the federal government to select, where life-cycle cost effective, ENERGY STAR® labeled or products that are designated to be in the upper 25% of energy efficiency in their class. ENERGY STAR® is a government and industrial partnership that helps businesses and individuals protect the environment through superior energy efficiency. In addition, energy and water conservation programs are driven by this Executive Order. See <http://www.energystar.gov/>

The Resource Conservation and Recovery Act (RCRA) section 6002 directs Federal agencies to develop and implement affirmative procurement programs and includes a section that requires federal agencies to "give preference in their purchasing programs to products and practices that conserve and protect natural resources and the environment."

Who has the action to implement AP?

According to the AF Procurement policy memo of 31 May 00, the base Environmental Protection Committee (EPC) or Environment, Safety and Occupational Health Committee (ESOH) is responsible for AP. The committee establishes a cross-functional team, or assigns AP to an existing cross-functional team. Key members of this team are CEV (or EM) and Contracting. CEV works with Contracting to train base personnel on AP. Contracting ensures the correct FAR clauses are included in contracts using CPG items, and also tracks and reports AP execu-

tion using the DD Form 350, Individual Contracting Action Report.

Where do we find AP Products?

The Environmental Protection Agency (EPA) has formal lists of products that are made with recovered materials. These lists are published in the CPG, and the products are commonly referred to as "guideline items." Guideline items can be ordered from General Services Administration (GSA), Defense Logistics Agency (DLA) and the Government Printing Office (GPO).

Exemptions to buying AP

RCRA provides certain exemptions to buying products containing the required amount of recycled materials. The legitimate reasons for exemptions from AP requirements are:

- The recycled content product costs more than a comparable product made of virgin materials.
- Product does not meet reasonable technical requirements.
- Product is not available in a timely manner.
- Product is not competitively available from two or more sources.

If the purchase price of the item that is being exempted from AP requirements is less than \$2,500, then no written documentation is required for the exemption. For noncompliant items over \$2,500, a written determination must be prepared that names the item and documents the reason why it was not purchased with recycled content. The purchaser completes and files the form. If the exempted purchase is part of a construction or service contract, the project manager completes the form and gives a copy to Contracting for the project file.

For more information, contact:

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